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Attorneys for Defendant  
EXPERIAN INFORMATION SOLUTIONS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**NOEMIA CARVALHO,**

**Plaintiff,**

**v.**

**CREDIT CONSULTING SERVICES, ET  
AL.,**

**Defendant.**

**Case No. C 08-01317-JF-HRL**

**DEFENDANTS' JOINT CASE  
MANAGEMENT STATEMENT;  
DECLARATIONS OF LEWIS  
PERLING AND DEANNA L. JOHNSTON  
RE: NON-COOPERATION**

Date: June 27, 2008  
Time: 10:30 a.m.  
Location: Courtroom 3

Defendants Equifax Credit Information Services, LLC, Experian Information Solutions, Inc.  
and TransUnion LLC jointly submit the following Defendants Joint Case Management Statement:

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1 **1. Jurisdiction and Service:**

2 The question of jurisdiction is currently before the Court on Plaintiff's Motion to Remand.  
3 All parties in the instant action have been served.

4 **2. Facts:**

5 Plaintiff alleges that Defendants willfully violated the California Consumer Credit  
6 Reporting Agencies Act ("CCCRA") for failing to properly reinvestigate and failing to allow for  
7 review and consideration of all relevant information provided by consumers. Plaintiff purports to  
8 represent a class of California consumers who she claims are similarly situated. Defendants deny  
9 these allegations.

10 **3. Legal Issues:**

11 Plaintiff alleges that Defendants willfully violated the CCCRA, § 1785.16 (reinvestigation)  
12 and 1785.16(d) (providing notice of results). She seeks relief under § 1785.31(a)(2) (willful  
13 violation) and 1785.31(b) (injunction). She seeks class treatment for her claims for all California  
14 consumers who are similarly situated. Defendants deny these allegations.

15 **4. Motions:**

- 16 a. Plaintiff's Motion to Remand - hearing set on June 20, 2008;  
17 b. Defendant TransUnion's Motion to Compel - hearing set on June 24, 2008;  
18 c. The following additional motions are anticipated:  
19 i. Motion for Class Certification  
20 ii. Motions for Summary Judgment

21 **5. Amendment of Pleadings:**

22 Defendants do not anticipate amendment to the pleadings at this time.

23 **6. Evidence Preservation:**

24 Defendants have taken steps to ensure the preservation of any evidence related to the claims  
25 contained in the Complaint.

26 **7. Disclosures:**

27 Defendants will exchange Rule 26 initial disclosures by the deadline for disclosure.

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1 **8. Discovery:**

2 Discovery taken to date, if any, the scope of anticipated discovery, any  
3 proposed limitations or modifications of the discovery rules, and a proposed discovery plan  
4 pursuant to Fed. R. Civ. P. 26(f).

5 a. Prior to removal, the parties conducted formal discovery including propounding and  
6 responding to written discovery and conducting Plaintiff's deposition.

7 b. Defendants propose the following discovery plan: Defendants intend to seek additional  
8 discovery related to Plaintiff's individual and class claims as set forth in the Complaint; including  
9 her personal, financial and credit history; her suitability as a class representative; the similarity or  
10 lack thereof between her claims and those of the purported class members; her alleged damages  
11 and those of the purported class members and any other matters related to Plaintiff's request for  
12 class certification. Discovery will include third party subpoenas and depositions.

13 **9. Class Actions:**

14 Defendants suggest that a deadline of October 1, 2008 for the filing of Plaintiff's motion for  
15 Class Certification.

16 **10. Related Cases:**

17 None.

18 **11. Relief:**

19 Plaintiff and the proposed class seek to recover actual and punitive damages from  
20 Defendants as well as attorneys fees and costs. Plaintiff also seeks an injunction against  
21 Defendants. Defendants deny that Plaintiff and the proposed class are entitled to the requested  
22 relief.

23 **12. Settlement and ADR:**

24 Defendants' counsel have met and conferred about early ADR. However, no agreement  
25 with plaintiff's counsel regarding ADR has been reached at this time.

26 **13. Consent to Magistrate Judge For All Purposes:**

27 Defendants do not consent to the jurisdiction of the assigned magistrate judge for all  
28 purposes.

**14. Other References:**

Defendants do not consent to binding arbitration.

**15. Narrowing of Issues:**

N/A

**16. Expedited Schedule:**

Defendants do not believe that this putative statewide class action is appropriate for an expedited schedule.

**17. Scheduling:**

Defendants propose the following dates and cutoffs:

Expert Designations	September 15, 2008
Filing Class Certification Motion	October 1, 2008
Discovery cutoff	January 30, 2009
Filing of Summary Judgment Motions	February 27, 2009
Pretrial Conference	March 30, 2009
Trial	May, 2009

**18. Trial:**

Plaintiff and the proposed class demand a jury trial on all counts so triable. Defendants estimate that all matters will be resolved on summary judgment. However, if a trial is necessary, it would take an estimated 4 to 5 days.

**19. Disclosure of Non-party Interested Entities or Persons:**

Pursuant to Civil L.R. 3-16, the undersigned believe that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

Plaintiff, Noemia Carvalho  
 Equifax Inc.  
 Equifax Information Services LLC  
 Experian Information Solutions LLC  
 TransUnion LLC

Ron Keith Bochner  
Law Office of Ron Bochner  
3333 Bowers Avenue, Suite 130  
Santa Clara, CA 95054

**20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.**

None.

Dated: June 17, 2008

JONES DAY

By: /S/ Suzanne Cate Jones  
Suzanne Cate Jones

Counsel for Defendant  
EXPERIAN INFORMATION SOLUTIONS,  
INC.

Dated: June 17, 2008

STROOCK & STROOCK & LAVAN LLP

By: /S/ Brian C. Frontino  
Brian C. Frontino

Counsel for Defendant  
TRANSUNION LLC

Dated: June 17, 2008

KING & SPALDING LLP

By: /S/ Lewis P. Perling  
Lewis P. Perling

Counsel for Defendant  
EQUIFAX INFORMATION SERVICES  
LLC

**DECLARATION OF LEWIS P. PERLING**

I, Lewis P. Perling, hereby declare:

1. I am an attorney with the law firm of King & Spalding LLP, 1180 Peachtree Street, Atlanta, Georgia 30309. I represent Defendant Equifax Information Services LLC ("Equifax") in the above styled matter.

2. On June 13, 2008, I circulated a draft Joint Case Management Conference Statement to all parties in this matter, including plaintiff's counsel, Ron K. Bochner, for review and comment. Additionally, I told Mr. Bochner that he needed to revise the draft because certain sections needed his input, i.e. class action allegations. I did not receive a response from Mr. Bochner.

3. On June 16, 2008, I sent Mr. Bochner another email asking Mr. Bochner to provide his comments on the draft. I also called Mr. Bochner and left him a message regarding this issue.

4. Mr. Bochner's response email on the morning of June 17 was, "[i]f you want to, you can add plaintiff's statement that the parties, save Equifax, met and conferred and agreed that it was more efficient to put this matter off until the court determined its continuing jurisdiction over this matter. Plaintiff will amend her portion of this statement when the jurisdictional issue is resolved." Mr. Bochner provided no specific input to the Joint Case Management Report and Plaintiff has not provided initial disclosures.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 17th day of June 2008.

/S/ Lewis P. Perling

Lewis P. Perling

**DECLARATION OF DEANNA L. JOHNSTON**

I, Deanna L. Johnston, hereby declare:

1. I am an attorney with the law firm of Jones Day, 555 California Street, 26<sup>th</sup> Floor, San Francisco, California 94104. I represent Defendant Experian Information Solutions, Inc. (“Experian”) in the above styled matter.

2. At approximately 8:30 a.m. on June 17, 2008, I circulated a revised draft Joint Case Management Conference Statement to all parties in this matter, including plaintiff’s counsel, Ron K. Bochner, for review and comment. Additionally, I told Mr. Bochner that he needed to revise the draft because certain sections needed his input, i.e. class action allegations. I did not receive a response from Mr. Bochner.

3. At approximately 2:30 p.m. on June 17, I sent Mr. Bochner another email asking him to provide comments on the draft no later than 3:30 p.m. that afternoon. I also informed Mr. Bochner that Defendants would file their own Joint Case Management Conference Statement if he did not provide his comments. As of the signing of this declaration, I have received no response from Mr. Bochner.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 17th day of June 2008.

/S/ Deanna L. Johnston

Deanna L. Johnston

SIGNATURE ATTESTATION

I hereby attest that the content of this document is acceptable to all persons whose signatures are indicated by a “conformed” signature (/S/) within this efiled document.

Dated: June 17, 2008

JONES DAY

By: /S/ Suzanne C. Jones  
Attorneys for Defendant  
EXPERIAN INFORMATION  
SOLUTIONS

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